

August 21, 2024

**VIA E-MAIL**

Imani Franklin, Esq.  
Counsel  
Office of Senator Elizabeth Warren  
309 Hart Senate Office Building  
Washington, DC 20510

Re: Response to July 26, 2024 Letter to Sentinel Offender Services

Dear Ms. Franklin:

As you know, we represent Sentinel Offender Services (“Sentinel”), in connection with the letter from certain Members and Senators concerning Sentinel’s operations dated July 26, 2024. As we shared during our discussion on July 29, 2024, Sentinel is endeavoring to provide fulsome responses to the various requests for information regarding its electronic monitoring services. To that end, Sentinel is providing the following information concerning its business and electronic monitoring services. The information conveyed herein is confidential, business, and competitor sensitive; we ask that you and your colleagues treat it as confidential and refrain from disclosing any of this information publicly as doing so could harm Sentinel.

Further, as we stated in our call and reiterated in our letter dated August 1, 2024, Sentinel fully supports Congress’s efforts to understand electronic monitoring services as an element of comprehensive criminal justice reform. Sentinel believes that electronic monitoring is an important service that reduces jail and prison populations and allows more participants to be at home with their families and gainfully engaged in the community. Electronic monitoring provides the judicial system with an alternative to incarceration that effectively utilizes technology to more efficiently supervise participants. Sentinel believes that appropriate use of electronic monitoring is a critical component of criminal justice reform and supports Congress’ motivation to pass laws that serve this end.

## I. Sentinel – Founding and Background

Sentinel has been an industry leader in community-based management solutions since its founding in 1993.<sup>1</sup> Sentinel's management team has more than 200 combined years of experience in the electronic monitoring industry.<sup>2</sup> In its service delivery model, Sentinel provides courts and supervising agencies with the software, hardware, and services that support community-based programs designed to provide sentencing authorities with effective alternatives to incarceration. Electronic monitoring programs throughout the nation work collaboratively with recovery-oriented programming, counseling, employment services and other community-based resources that, when delivered properly, lead to effective participant outcomes. For more than 30 years, Sentinel has enhanced both its service and technology offerings to meet the changing needs of its customers, leading to cost reductions, improved functionality, and the design of solutions that improve participant outcomes.

Sentinel's offerings, as described below, include location monitoring, home monitoring, and alcohol/substance abuse monitoring, all of which are delivered through its monitoring software and supported by its twenty-four hour national monitoring and service center.

Given Sentinel's demonstrated experience and technology, law enforcement, community corrections agencies, and probation/parole departments across the nation have partnered with Sentinel to enhance their electronic monitoring and community-based alternatives to incarceration. Sentinel's customer contracts are open to the public and available through public records requests. Sentinel obtains its customers through several channels including Requests for Proposals, Invitations to Bid, general services agreements, and direct solicitations. Resulting customer contracts are approved by the required local or state authorities and serve as the controlling document for the monitoring program. The core of Sentinel's business model is best understood as that of a state and local government contractor; as discussed herein, the vast majority of Sentinel's revenue is paid directly by its state and local government customers at rates agreed to through public contracting processes.

## II. Electronic Monitoring – Overview

Electronic monitoring provides local jurisdictions with a viable alternative to pretrial detention and/ or prolonged custodial incarceration. Electronic monitoring encompasses a broad range of services and systems, including wearables such as home monitoring

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<sup>1</sup> Sentinel Offender Services, *By the Numbers*, <https://sentineladvantage.com/> (last visited August 21, 2024).

<sup>2</sup> Sentinel Offender Services, *Experienced Management Team*, <https://sentineladvantage.com/management/> (last visited August 21, 2024).

devices, GPS ankle bracelets, alcohol monitoring devices, and biometric monitoring systems such as voice verification. State and local supervisory authorities rely upon electronic monitoring for a variety of settings, including pretrial release, early release, and work release programs. Further, electronic monitoring is also used as an intermediate sanction for probation and parole populations in lieu of returning a participant to custody for violations of his or her conditions. These programs allow supervising officers to present program participants with an additional opportunity to maintain compliance and avoid reincarceration.

In Sentinel's model, participant selection and program enforcement is carried out at the sole discretion of the court or supervising agency. Sentinel has no role in determining whether any participant is given an option or order to enroll in electronic monitoring. Further, Sentinel must accept a participant's enrollment regardless of his or her criminal history, financial status, living arrangement, or prior success on electronic monitoring. Lawfully-empowered judges, magistrates, and parole authorities make such decisions, and do so without input or guidance from Sentinel.

Because customers are able to remotely track participants, judges, magistrates, and other authorities use electronic monitoring as an effective alternative to incarceration, permitting participants to remain with their families, participate in court-ordered counseling, and maintain gainful employment.<sup>3</sup> When coupled with release conditions imposed by the judge, magistrate, or other authority, electronic monitoring promotes participant success and conserves vital resources for often overcrowded detention centers.

These touted benefits are far from theoretical. The CARES Act – with broad Congressional support – enacted in March 2020, expanded the Bureau of Prisons' authority to place individuals in home confinement in an effort to reduce the federal prison population.<sup>4</sup> In the three years following the Act's enactment, 96 percent of the individuals released to home confinement or some other restriction under this authority committed no violations or new criminal offenses.<sup>5</sup> Further, only 0.17 percent (.17%) of the participants placed on home confinement under the CARES Act were ultimately returned to secure custody due to new criminal conduct.<sup>6</sup> This number is all the more powerful when compared to the results of a 2016 study conducted by the U.S. Sentencing

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<sup>3</sup> See Pew Charitable Trusts, *Examining Electronic Monitoring Technologies*, [https://www.pewtrusts.org/-/media/assets/2015/11/monitoringtech\\_qa.pdf](https://www.pewtrusts.org/-/media/assets/2015/11/monitoringtech_qa.pdf) (last visited August 21, 2024).

<sup>4</sup> Niskanen Center, *Safer, Smarter, and Cheaper: The promise of targeted home confinement with electronic monitoring*, <https://www.niskanencenter.org/wp-content/uploads/2023/06/Safer-smarter-and-cheaper.pdf> (last visited August 21, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Commission, which found that 33.7 percent of a selected population of released prisoners, who did not receive electronic monitoring, were re-arrested within three years of their release.<sup>7</sup> These results are consistent with the findings of a 2011 study commissioned by the Department of Justice's National Institute of Justice which found that electronic monitoring reduced the probability of failure for participants under community supervision by 31 percent compared to persons placed on other forms of monitoring.<sup>8</sup>

In addition to the significant reduction in recidivism of participants while subject to monitoring, home confinement allows for dramatic cost savings. A participant on home confinement costs the taxpayer, on average, \$65.59 per day less than a prisoner housed in a federal detention center.<sup>9</sup> Over the course of a year, these savings amount to \$23,940.35 for a single prisoner.<sup>10</sup>

A less quantifiable advantage of electronic monitoring is the benefit to the program participant. In nearly all of the programs in which Sentinel provides services, the program participant is permitted to leave the residence for activities approved by the supervising authority, including work, counseling, grocery shopping, religious ceremonies, medical services, or school attendance. This increased autonomy also allows participants to remain active in their family life, which benefits the next generation and community as a whole. Studies have demonstrated that children who have parents who are incarcerated are over three times more likely to become justice-involved in the future.<sup>11</sup>

By providing a viable alternative to incarceration, electronic monitoring benefits participants, communities, the criminal justice system, and the American taxpayer. Sentinel is fully cognizant of these benefits and operates its business with the aim of maximizing each of them.

### **III. Sentinel Business – Overview**

As explained above, Sentinel contracts with state and local government agencies to provide electronic monitoring services for participants in community-based programs

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<sup>7</sup> See *id.* (citing Kim Steven Hunt, et al., *Recidivism Among Offenders: A Comprehensive Overview* (U.S. Sentencing Commission, March 2016)).

<sup>8</sup> U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Electronic Monitoring Reduces Recidivism*, available at <https://www.ojp.gov/pdffiles1/nij/234460.pdf> (last visited August 21, 2024).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> See, e.g., James Conway, Ph.D et al., *A Review of Research on the Likelihood of Children With Incarcerated Parents Becoming Justice Involved*, available at <https://imrp.dpp.uconn.edu/wp-content/uploads/sites/3351/2021/09/March-2015-Seven-out-of-ten.pdf> (last visited August 21, 2024).

as an alternative to incarceration. Sentinel's contracts are publicly available through open records requests. A list of currently-active public contracts for Sentinel's monitoring services is contained in Exhibit A. In many jurisdictions, Sentinel is not the only entity to provide such services, as such contracts may be non-exclusive or may segment exclusivity based upon the nature of the monitoring solution contracted for (e.g., geolocation, home confinement, alcohol/substance abuse).

## **A. Products and Services**

Sentinel offers a variety of devices and systems with differing capabilities. Sentinel's products are integrated with its participant management software, which provides contracting agencies with a streamlined interface for monitoring program participation.

### **i. Remote Monitoring**

Sentinel's offerings include the RF Patrol™, an established radio frequency product that has been proven reliable.<sup>12</sup> The RF Patrol™ has a sealed internal battery that relieves the participant from the need to charge the device. See Ex. B.

Sentinel also offers the OM500, a one-piece ankle monitor that utilizes global positioning system ("GPS") technology to enable customers to track a participant and contact him or her in real-time using voice messaging. See Ex. C. The OM500's industry-leading battery performance allows for a participant to go five or more days on a single charge, and requires only 30 minutes of charging daily. In the event a device battery becomes fully depleted, after five days of monitoring, it requires 90 minutes to fully recharge.

### **ii. Alcohol Monitoring**

Sentinel also offers comprehensive alcohol monitoring technologies in the form of its portable Breath Alcohol/Real-Time ("BA/RT") and SCRAM RB Pro products.<sup>13</sup> BA/RT and SCRAM RB Pro allow authorities to remotely execute routine, on-demand alcohol testing through the use of a state-of-the-art, deep lung fuel cell sensor. See Ex. D. The portable breath alcohol devices batteries last over 48 hours and require a maximum of one hour of charging. The BA/RT and SCRAM RB Pro are handheld, portable alcohol monitoring devices that are not affixed to the participant. Sentinel also provides the

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<sup>12</sup> Sentinel Offender Services, *RF Electronic Monitoring*, <https://sentineladvantage.com/rf-patrol/> (last visited August 21, 2024).

<sup>13</sup> Sentinel Offender Services, *Alcohol Monitoring*, <https://sentineladvantage.com/alcohol-monitoring/> (last visited August 21, 2024).

SCRAM CAM ankle bracelet, which captures transdermal blood alcohol readings on a continuous basis. See Ex. E. The SCRAM CAM device does not require charging.

### **iii. Safety & Testing**

Sentinel is dedicated to delivering high quality electronic monitoring hardware, software platforms and exemplary customer service maintained through its International Organization for Standardization (ISO) 9001 certification, which it has maintained since 2010. Sentinel has also achieved and maintained an International Organization for Standardization (ISO) 9001:2015 certification for the Design, Production, and Delivery of Electronic Monitoring Technologies, Monitoring Center Services, Case Management Services, and Community-Based Offender Management Programs. ISO 9001 is the world's most widely recognized quality management system standard. This standard is based on several quality management principles, including a strong customer focus, the experience of company management, and an organizational focus on continual improvement. Sentinel's adoption of a quality management system ensures that customers received reliable products and services.

Sentinel's Quality Management program is audited annually by an independent firm, American Systems Registrar, a provider of third-party system registration and accredited by the ANSI-ASQ National Accreditation Board. The audit includes employee interviews to ensure that published policies and procedures are adhered to by the staff.

In addition to their device capabilities and extended battery life, all of Sentinel's hardware is waterproof, thereby allowing participants to shower and bathe while subject to monitoring.

All Sentinel devices and supplies meet or exceed National Institute of Justice-recommended standards for electronic monitoring. Additionally, Sentinel's batteries, power supplies, and charging circuits are UL<sup>®</sup>-certified.

Sentinel conducts performance testing prior to issuing and upon return of equipment. In addition to visual inspections and hypo-allergenic sanitization, Sentinel tests all its devices for their abilities to communicate with the monitoring software and ability to perform their designated functions. Sentinel also performs monthly testing on all its software.

### **B. Scope**

Contracting entities currently rely upon Sentinel's electronic monitoring devices and services to supervise approximately 35,000 individuals. Over the past year, roughly 120,000 individuals have been monitored by government and law enforcement agencies using Sentinel's electronic monitoring devices. The ratio of the "current" participant



population to the year-to-date tally demonstrates that most participants are only on monitoring with the supervising agency for a short period of time, generally 3-4 months.

## **i. Oversight**

Sentinel only requires contracting agencies to provide the name, device type, serial number, and telephone number for a given participant. While Sentinel software affords contracting jurisdictions the ability to collect and log additional information, Sentinel does not require this prior to activating its monitoring services.<sup>14</sup> Sentinel does not compile data with respect to participants' race, gender, or reason for supervision. Sentinel also does not maintain access to participants' protected health information, including their pregnancy status, and therefore does not report any such information to government officials. Requests for demographic and other information of participants placed on electronic monitoring are best addressed by the individual state and local jurisdiction.

The contracting jurisdiction retains full supervisory authority. Sentinel plays no role in establishing the terms of supervision, enforcement provisions, or technology assignment for any element of electronic monitoring, for any participant. The contracting court or agency maintains responsibility for establishing the protocols for participant supervision and enforcement. Sentinel similarly plays no role in determining whether to extend a period of electronic supervision. Sentinel likewise does not have a role in the decision to remove a participant from the monitoring program or otherwise amend any orders of release or similar matters to the court or agency. Sentinel is only permitted to remove a participant's hardware upon direct order from the supervisory agency or a court of appropriate jurisdiction. Sentinel also maintains no authority with respect to participant selection or enforcement matters, which is the exclusive domain of the contracting court or law enforcement agency.

Sentinel likewise does not share location data for participants with law enforcement as all such information is contained within the monitoring software to which only individuals designated by the contracting jurisdiction have access. Contracting entities maintain full discretion as to whether to disclose such information to law enforcement. Over the last year, Sentinel received fewer than 20 duly authorized subpoenas which compelled the disclosure of location data.

For more than 98% of its customers, Sentinel does not receive or review requests from participants to leave home confinement given that those decisions are the responsibility of the contracting entity. In the limited instances where it does receive requests, Sentinel reviews them subject to an approval matrix from the contracting entity. It exercises no independent discretion as to whether to grant such requests. Sentinel

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<sup>14</sup> Sentinel understands that many pretrial services, probation, and parole agencies utilize separate case management systems which may track other demographic and case data.

may only input the schedule within the software for activities that have been preapproved by the agency, and has no authority with respect to the agency's approval.

Given that its role is generally limited to supplying and implementing technology under the terms of a contract, Sentinel does not record "technical violations" or report any such violation to a governmental authority. Nor does it track "false positives" for GPS alerts, as those determinations are subject to the review of, and disposition by, the contracting entity. Again, any such requests for information are more properly directed to individual jurisdictions that utilize electronic monitoring services.

## ii. Fees

For more than 30 years, Sentinel has developed its technology, reduced costs, and provided tools that assist law enforcement. Sentinel's fees are historically among the lowest in the electronic monitoring industry. Sentinel's fees are determined by the competitively-awarded agreement with each respective agency and vary depending on a number of factors, including the type of service and the specific hardware being utilized. In 98% of its programs, the contracting entity bears responsibility for paying Sentinel's fees (generally a per-participant, per-day rate).<sup>15</sup> Sentinel does not assess a participant's financial status when determining whether to offer its services.

In approximately two percent of Sentinel's programs, the contracting agency relies upon Sentinel software to obtain participant payments subject to a fee schedule established by the agency and presented to participants prior to enrollment. Notably, this fee schedule is part of the competitive award process and is approved by the contracting jurisdiction. In these limited jurisdictions, a program participant provides income verification, in the form of paycheck stubs, timesheets, or other verifiable documentation to the contracting entity. Based on the technology utilized and the income verification, a determination as to the appropriate fee is applied, which the participant is free to dispute via the fee reduction process. The participant remains able to seek a fee reduction due to a change in income or other circumstances at any point during his or her enrollment in the program. In the event of a dispute, the supervising agency determines the adjustment, if any, to the fee amount. In the very limited instances in which Sentinel collects funds from participants, it does so on a weekly or bi-weekly basis via credit card, debit card, money order, or cashier's check, as agreed upon by the participant at the time of enrollment. Sentinel reports arrearages that exceed a contractually defined threshold

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<sup>15</sup> Since its founding more than 30 years ago, Sentinel has seen the predominant model change from "participant pays" to "jurisdiction pays." When the company was founded, most jurisdictions employed the "participant pays" model. Over the ensuing three decades, most jurisdictions have now transitioned to the "jurisdiction pays" model.



to the agency for resolution. Sentinel plays no role in the determination made by the court or agency as to the continued monitoring of the participant.

Sentinel charges contracting entity-agreed installation fees to the participant for approximately five percent of its population, and does so when Sentinel staff is contractually required to be deployed to complete the installation of the hardware.

Sentinel does not collect fines of any type.

Sentinel's collection of fees over the last year has been conducted in accordance with the applicable contracts, which are publicly available and subject to jurisdictional approval. Sentinel does not sell debt or use a private collections agency. When participants leave the program at the direction of the court or supervising authority and do not pay Sentinel's fees, those participants are not pursued for payment and those fees are absorbed by Sentinel. To be clear, Sentinel does not determine, in any event, whether to return a participant to custody for failure to pay fees, those determinations are made by the court or supervising agency.

### **iii. Policies & Procedures**

All records concerning program participants are the property of the contracting entity and are not released without the agency's written consent, with an exception for responding to duly authorized subpoenas issued to Sentinel. Sentinel does not share any participant data, including location metrics, with private entities. Employees are trained to understand that enforcement of participant compliance is the sole responsibility of the contracting agency or court, not Sentinel.

Sentinel limits the personnel who have access to participant data to those who have undergone a comprehensive background check (including drug testing) and are assigned to support program operations. Each assigned employee must sign a confidentiality agreement when hired. These employees are expressly forbidden from disclosing information to third parties without the written consent of the contracting agency. Additionally, *all* employees are subject to Sentinel's zero tolerance policy concerning compromising relationships with participants, their families, and/or employees of contracting entities. Employees who violate any of these policies are subject to disciplinary action, including termination.

## **IV. Sentinel Business – Limitations**

The July 26 letter appears to assume or suggest that companies like Sentinel engage in certain practices which the Members and Senators appear to view with disdain. Sentinel offers the following points to clarify the scope of its practices:

- Sentinel does not currently operate a private probation service or any other, similar supervisory program. See Letter from A. Joseph Jay III to Imani Franklin, Esq., dated August 1, 2024, confirming this statement.
- Sentinel does not possess any law enforcement authority to determine eligibility for participation in electronic monitoring, duration of time on monitoring, nor removal from the monitoring program. All participant selection and enforcement is the responsibility of the Court or local supervising agency.
- Sentinel does not determine whether a participant has violated his or conditions of release.
- Sentinel does not determine whether a participant's violation of his or her conditions of release (as determined by the court or contracting entity) should subject him or her to a period of incarceration.
- Sentinel does not maintain any role in defining release conditions for participants or approving adjustments and exceptions to such conditions.
- Sentinel does not pursue uncollected fees for participant-paid programs once the participant has been removed from monitoring. As noted above, Sentinel does not use debt collectors.
- Sentinel does not condition its services on a participant's ability to pay. Instead, Sentinel provides services to every participant regardless of ability to pay, and in the limited participant-pay programs it is obliged to offer, routinely provides free services to those deemed indigent by the court or contracting authority.

## V. Financial Information

Sentinel is a privately-owned company and does not disclose its confidential financial information to any third-party. However, in an attempt to provide helpful information to the Members and Senators, Sentinel can confirm that [REDACTED]



**VI. Conclusion**

Given the demonstrated positive benefits of electronic monitoring technologies, Sentinel is proud of the services it provides to state and local authorities across the country. Sentinel fully believes that its products and services support important criminal justice interests by reducing incarceration, promoting rehabilitation, and providing participants the ability to remain contributing members of their communities.

Sentinel understands and appreciates Congress's concern in this matter, as detailed in its July 26 letter. Sentinel, like Congress, is committed to fostering a criminal justice system that is marked by flexibility and the availability of alternatives to custodial detention for judges and other stakeholders. Sentinel, like Congress, fully supports efforts to reduce jail and prison populations while balancing the need to maintain public safety. And, like Congress, Sentinel is supportive of reforms to lessen or eliminate the financial burden on participants while ensuring electronic monitoring services remain a viable option for the judicial authorities, thereby reducing the number and length of custodial sentences.

Sentinel wishes to assist any Members or Senators interested in learning more about electronic monitoring and its related services in further of Congress's broader effort to reform the American criminal justice system.

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Should you have any questions concerning this response or any other matters concerning Sentinel as they relate to the inquiry, please direct them to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. Joseph Jay III".

A. Joseph Jay III  
Tom Reklaitis  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

CC: Sentinel